UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,033	09/28/2000	Blair B.A. Birmingham	ATI-000090	7656

34456	7590	06/28/2004

TOLER & LARSON & ABEL L.L.P.
5000 PLAZA ON THE LAKE STE 265
AUSTIN, TX 78746

EXAMINER
PATEL, HARESH N

ART UNIT	PAPER NUMBER
2154	8

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/675,033	BIRMINGHAM, BLAIR B.A.
		Examiner	Art Unit
		Haresh Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 April 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-40 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent granted
> on an application for patent by another filed in the United States before the invention by the applicant
> for patent, except that an international application filed under the treaty defined in section 351(a) shall
> have the effects for purposes of this subsection of an application filed in the United States only if the
> international application designated the United States and was published under Article 21(2) of such
> treaty in the English language.

3.   Claims 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kuragaki et al. 6,381,524 (Hereinafter Kuragaki).

4.   As per claim 18, Kuragaki teaches a computer readable medium tangibly

embodying a plurality of instructions (e.g., col., 2, lines 3 – 34) including the following:

instructions to implement an appliance operating system on a general purpose

information handling system (e.g., implementation of appliance specific operating system

1 on a control apparatus, abstract, col., 1, line 23 – col., 2, line 65);

said information handling system to perform general information handling tasks

using a general using a general operating system (e.g., use of Operating system OS-CH

for task like switching/selection of operating systems, resource allocation, etc, abstract,

col., 1, line 23 – col., 2, line 65);

said appliance operating system dedicated to control at least one appliance (e.g., implementation of appliance specific operating system 1 on a control apparatus for a specific appliance, abstract, col., 1, line 23 – col., 2, line 65); wherein

said appliance operating system is independent of said general operating system (e.g., independent use of operating systems OS-CH and OS1, abstract, col., 1, line 23 – col., 2, line 65).

5.   As per claims 19-25, Kuragaki teaches the following:

instructions to control which of said operating systems is executed (e.g. selection of OS1 or OS2, abstract, col., 1, line 23 – col., 2, line 65),

execution of said general operating system is terminated before switching to said appliance operating system (e.g., operating system OS-CH is terminated before switching to OS1 operating system, col., 1, line 23 – col., 2, line 65),

execution of said appliance operating system is terminated before switching to said general operating system (e.g., operating system OS1 is terminated before switching to OS-CH operating system, col., 1, line 23 – col., 2, line 65),

general operating system and said appliance operating system are executed concurrently (e.g., concurrent execution of OS1 and OS-CH operating systems, col., 1, line 23 – col., 2, line 65),

at least one appliance is a media handling system (e.g., appliance using audio/video, image display, figure 2),

at least one media handling system includes at least one of an audio device and a visual device (e.g., appliance using audio/video, image display, figure 2),

said plurality of instructions further includes instructions to check for resource

conflicts (e.g., use of Operating system OS-CH for task like switching/selection of

operating systems, resource allocation, etc, abstract, col., 1, line 23 – col., 2, line 65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 7-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kuragaki in view of "Official Notice".

7.   As per claims 7 and 8, Kuragaki discloses an information handling system

comprising the following:

a data processor (e.g., figure 3),

a memory coupled to said processor (e.g., figure 3);

a communications interface (e.g., figure 3); and

a plurality of operating systems to be executed by said processor (e.g., first and

second operating systems, figure 4),

said plurality of operating systems including:

a general operating system capable of performing general information handling

tasks (e.g., operating system OS-CH is terminated before switching to OS1 operating

system, col., 1, line 23 – col., 2, line 65), and

an appliance operating system capable of controlling, through said

communications interface at least one appliance, (e.g., use of interface by the OS1,

figures 3 and 4, col., 1, line 23 – col., 2, line 65),

wherein said appliance operating system is independent of said general operating

system (e.g., operating system OS-CH independent of OS1, col., 1, line 23 – col., 2, line

65).

However, Kuragaki does not specifically mention about the use of BIOS to

provide initial processor control / control of which of plurality of operating systems is

executed. "Official Notice" is taken that both the concept and advantages of providing

the use of BIOS to provide initial processor control / control of which of plurality of

operating systems is executed is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include the use of BIOS to provide initial processor control /

control of which of plurality of operating systems is executed with the teachings of

Kuragaki in order to facilitate initial processor control by using BIOS and to control

which of plurality of operating systems is executed using BIOS. Well-known use of

BIOS will help provide boot up selection of which operating system to be selected for

execution upon system startup.

8.   As per claims 9 and 10, Kuragaki discloses the claimed limitations as rejected

under claims 7 and 8. However, Kuragaki does not specifically mention about the details

of the use of mass storage medium and read-only memory. "Official Notice" is taken

that both the concept and advantages of providing the use of mass storage medium and

read-only memory is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include the use of mass storage medium and read-only memory

with the teachings of Kuragaki in order to facilitate multiple operating systems separate

from each other. Well-known use of mass storage medium and read-only memory will

help provide storage of the multiple operating systems, which can be selected by the

system to be loaded and to be used for execution.

9.   As per claims 11-17, Kuragaki discloses the following:

one or more appliances to be coupled to said at least one communications

interface (e.g., figure 3),

one or more appliances are to be coupled to said communications interface via a

network (e.g., use of LAN, col., 4, lines 19 – 33),

one or more appliances are media handling systems (e.g., appliance using

audio/video, image display, figure 2),

one or more media handling systems include at least one of an audio device and a

visual device (e.g., appliance using audio/video, image display, figure 2),

communications interface is a wireless interface (e.g., aired broad cast signal, col., 1, line

23 – col., 2, line 65),

communications interface is an electrical interface (e.g., figure 3),

a resource conflict check is performed when said operating systems are executed

(e.g., handling resources and resource allocation, when switching/selection of operating

systems, abstract, col., 1, line 23 – col., 2, line 65).

10.   Claims 1, 2, 4, 5, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lee et al. 6,327,653 (Hereinafter Lee) in view of applicant's admitted prior art

(AAPA).

11.   As per claims 1, 2, 4, 5, 26, Lee teaches the following:

a method comprising,

providing a plurality of operating systems on a single information handling device

(e.g., A technique for easily changing an operating system or working mode of a digital

computer system, abstract),

the plurality of operating systems including an appliance operating system to

control the information handling device to operate an appliance (e.g., For example, in

personal computers (PCS), changing the operating system is effected between executing

application programs under a disk operating system (DOS) of a text mode and executing

application programs under Windows 95 or 98, a PC function and a settop box function, a

PC function and a network terminal function, and a PC function and a television function,

col. 1, lines 39 – 45),

a general operating system to perform general information handling tasks (e.g.,

For example, in personal computers (PCS), changing the operating system is effected

between executing application programs under a disk operating system (DOS) of a text

mode and executing application programs under Windows 95 or 98, a PC function and a

settop box function, a PC function and a network terminal function, and a PC function

and a television function, col. 1, lines 39 – 45),

appliance operating system is independent of the general operating system (e.g.,

For example, in personal computers (PCS), changing the operating system is effected

between executing application programs under a disk operating system (DOS) of a text

mode and executing application programs under Windows 95 or 98, a PC function and a

settop box function, a PC function and a network terminal function, and a PC function

and a television function, col. 1, lines 39 – 45),

executing the general operating system to control the information handling device

to perform general information handling tasks (e.g., For example, in personal computers

(PCS), changing the operating system is effected between executing application programs

under a disk operating system (DOS) of a text mode and executing application programs

under Windows 95 or 98, a PC function and a set-top box function, a PC function and a

network terminal function, and a PC function and a television function, col. 1, lines 39 –

45),

executing appliance operating system and general operating system concurrently

(e.g., The present invention relates to a technique for enabling a digital computer system

to easily change its operating system or working mode and, more particularly, to a

technique for enabling a digital computer system to easily change its operating system

while under a different operating system or to easily change its working mode under the

same operating system, col. 1, lines 25 – 31),

switching between operating systems (e.g., The computer system includes a plurality of operating systems, and OS switching unit for switching a plurality of operating systems. The OS switching means makes reference to a preferential interrupt table on the basis of an interrupt factor for switching to corresponding operating system and calls interrupt processing means incorporated in the operating system, abstract),

executing the appliance operating system includes reading the appliance operating system from a non-volatile memory circuit; and executing the general operating system includes reading the general operating system from a mass storage device (e.g., usage of RAM, ROM and backup memory, figure 1, abstract),

However, Lee does not specifically teach executing the appliance using the operating system.

AAPA teaches the following:

executing the general operating system to control the information handling device to perform general information handling tasks (e.g., general operating system to handle general tasks, page 1, line 11 – page 2 – line 6),

executing the appliance operating system to control an appliance (e.g., operating system to implement all tasks, including home finance, web browsing, television tuning, compact disk playing and digital video disk playing, page 1, line 11 – page 2 – line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lee with the teachings of AAPA in order to facilitate the use of the general operating system and an operating system handling an entertainment device, to run concurrently within a single system.

12.   Claims 28 - 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lee and AAPA in view of "Official Notice".

As per claims 28-40, Lee and AAPA do not specifically mention about the details

of claims 28-40. "Official Notice" is taken that both the concept and advantages of

providing DVD player, television, stereo system and home security system as an

appliance, storing appliance operating system in read-only memory device other than a

hard drive and storing general operating system in a hard drive, is well known and

expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include DVD player, television, stereo system and home security

system as an appliance, storing appliance operating system in read-only memory device

other than a hard drive and storing general operating system in a hard drive, with the

teachings of Lee and AAPA in order to facilitate several appliances that can be handled

by an appliance operating system. An appliance operating system associated with an

appliance will support the appliance to function. Storing general operating system in the

hard drive will help execute the general operating system in a memory referring to the

hard drive for the general operating system. Storing an appliance operating system in the

read only memory will help keeping it separate from the general operating system.

13.   Claims 1- 4, 6, 26, 27, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Endo et al. 6,615,303 (Hereinafter Endo) in view of applicant's admitted prior art

(AAPA).

14.   As per claims 1- 4, 6, 26, 27, Endo teaches the following:

a method comprising,

providing a plurality of operating systems on a single information handling device

(e.g., A computer system is provided with a scheme to making the input and output

device provided in a computer in common for a plurality of operating system, in a

multiple operating system control unit operating a plurality of mutually distinct operating

systems on one computer system, abstract),

the plurality of operating systems including an appliance operating system to

control the information handling device to operate an appliance (e.g., However, similarly

to a system for operating a plurality of virtual computers (operating systems) in parallel

on the large size computer, if the general purpose OS and the real time OS can be

operated in the same computer system in a build-in system to switch the operating system

as required, it may be possible to achieve both of superior used interface and real time

characteristics and reliability. Considering improvement of performance of the

microprocessor, operating a plurality of operating systems in one computer system has

not been a technology permitted only the large size computer, col. 2, lines 11 – 22),

a general operating system to perform general information handling tasks (e.g., an

office work operating system (general purpose OS) to be typically used in typical

personal computer (PC) is provided, col. 1, lines 54 – 65),

appliance operating system is independent of the general operating system (e.g.,

Here, in the frame memory, conflict of resource is avoided by making the a drawing

region 317 for general purpose OS storing image generated by the graphic driver 310 of

the general purpose OS and a drawing region 318 for the real time OS storing image

generated by a graphic fdriver 312 of the real time OS independent or separated, col. 1, line 6 – col. 3, line 28),

executing the general operating system to control the information handling device to perform general information handling tasks (general purpose OS) to be typically used in typical personal computer (PC) is provided, col. 1, line 6 – col. 3, line 28),

executing appliance operating system and general operating system concurrently (e.g., A computer system comprising: concurrently operating plural operating systems, col. 1, line 6 – col. 3, line 28),

switching between operating systems (e.g., to switch the operating system as required, col. 2, lines 11 – 22),

switching includes discontinuing the execution of one operating system prior to executing another operating system (e.g., The computer system includes a plurality of operating systems, and OS switching unit for switching a plurality of operating systems. The OS switching means makes reference to a preferential interrupt table on the basis of an interrupt factor for switching to corresponding operating system and calls interrupt processing means incorporated in the operating system, abstract),

executing includes checking for resource conflicts (e.g., in order to avoid conflict of data, it is desirable to exclusively access the common memory using a semaphore function, col. 6, lines 11 – 38),

a resource conflict check is performed when said operating systems are executed (e.g., in order to avoid conflict of data, it is desirable to exclusively access the common memory using a semaphore function, col. 6, lines 11 – 38),

execution of said general operating system is terminated before switching to said

appliance operating system (e.g., The computer system includes a plurality of operating

systems, and OS switching unit for switching a plurality of operating systems. The OS

switching means makes reference to a preferential interrupt table on the basis of an

interrupt factor for switching to corresponding operating system and calls interrupt

processing means incorporated in the operating system, abstract),

execution of said appliance operating system is terminated before switching to

said general operating system (e.g., The computer system includes a plurality of

operating systems, and OS switching unit for switching a plurality of operating systems.

The OS switching means makes reference to a preferential interrupt table on the basis of

an interrupt factor for switching to corresponding operating system and calls interrupt

processing means incorporated in the operating system, abstract),

executing the general operating system includes checking for resource conflicts.

(e.g., in order to avoid conflict of data, it is desirable to exclusively access the common

memory using a semaphore function, col. 6, lines 11 – 38).

However, Endo does not specifically teach executing the appliance using the

operating system.

AAPA teaches the following:

executing the general operating system to control the information handling device

to perform general information handling tasks (e.g., general operating system to handle

general tasks, page 1, line 11 – page 2 – line 6),

executing the appliance operating system to control an appliance (e.g., operating

system to implement all tasks, including home finance, web browsing, television tuning,

compact disk playing and digital video disk playing, page 1, line 11 – page 2 – line 6).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Endo with the teachings of AAPA in

order to facilitate the use of the general operating system and an operating system

handling an entertainment device, to run concurrently within a single system.

15.   Claims 28 - 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lee and AAPA in view of "Official Notice".

As per claims 28-40, Endo and AAPA do not specifically mention about the

details of claims 28-40. "Official Notice" is taken that both the concept and advantages of

providing DVD player, television, stereo system and home security system as an

appliance, storing appliance operating system in read-only memory device other than a

hard drive and storing general operating system in a hard drive, is well known and

expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include DVD player, television, stereo system and home security

system as an appliance, storing appliance operating system in read-only memory device

other than a hard drive and storing general operating system in a hard drive, with the

teachings of Endo and AAPA in order to facilitate several appliances that can be handled

by an appliance operating system. An appliance operating system associated with an

appliance will support the appliance to function. Storing general operating system in the

hard drive will help execute the general operating system in a memory referring to the

hard drive for the general operating system. Storing an appliance operating system in the

read only memory will help keeping it separate from the general operating system.

16.   Claims 1, 2, 4, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Solomon et al. 6,269,409 (Hereinafter Solomon) in view of applicant's admitted prior art

(AAPA).

17.   As per claims 1, 2, 4, Solomon teaches the following:

a method comprising,

providing a plurality of operating systems on a single information handling device

(e.g., The present invention provides an improved method and apparatus for concurrent

execution of operating systems. A software abstraction layer provides an interface that

allows a first operating system to run concurrently with a second operating system on the

same data processing system, in which the first operating system is in communication

with the base machine in the data processing system, abstract),

the plurality of operating systems including an appliance operating system to

control the information handling device to operate an appliance (e.g., The present

invention provides an improved method and apparatus for concurrent execution of

operating systems. A software abstraction layer provides an interface that allows a first

operating system to run concurrently with a second operating system on the same data

processing system, in which the first operating system is in communication with the base

machine in the data processing system, abstract),

a general operating system to perform general information handling tasks (e.g., A

software abstraction layer provides an interface that allows a first operating system to run

concurrently with a second operating system on the same data processing system, in

which the first operating system is in communication with the base machine in the data

processing system, abstract),

appliance operating system is independent of the general operating system (e.g.,

This and other types of architectures employed to allow for execution for multiple

operating systems depend on the emulation of one environment or the other. Such

emulations can lead to significant performance losses and incapabilities. Therefore, it

would be advantageous to have an improved method and apparatus for concurrently

executing multiple operating systems, col. 2, lines 5 – 11),

executing the general operating system to control the information handling device

to perform general information handling tasks (e.g., the first operating system is in

communication with the base machine in the data processing system, abstract),

switching between operating systems (e.g., to switch the operating system as

required, col. 2, lines 11 – 22),

executing appliance operating system and general operating system concurrently

A software abstraction layer provides an interface that allows a first operating system to

run concurrently with a second operating system on the same data processing system,

abstract),

However, Solomon does not specifically teach executing the appliance using the

operating system.

AAPA teaches the following:

executing the general operating system to control the information handling device

to perform general information handling tasks (e.g., general operating system to handle

general tasks, page 1, line 11 – page 2 – line 6),

executing the appliance operating system to control an appliance (e.g., operating

system to implement all tasks, including home finance, web browsing, television tuning,

compact disk playing and digital video disk playing, page 1, line 11 – page 2 – line 6).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Solomon with the teachings of AAPA in

order to facilitate the use of the general operating system and an operating system

handling an entertainment device, to run concurrently within a single system.

18.   Claims 28 - 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Solomon and AAPA in view of "Official Notice".

As per claims 28-40, Solomon and AAPA do not specifically mention about the

details of claims 28-40. "Official Notice" is taken that both the concept and advantages of

providing DVD player, television, stereo system and home security system as an

appliance, storing appliance operating system in read-only memory device other than a

hard drive and storing general operating system in a hard drive, is well known and

expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include DVD player, television, stereo system and home security

system as an appliance, storing appliance operating system in read-only memory device

other than a hard drive and storing general operating system in a hard drive, with the

teachings of Solomon and AAPA in order to facilitate several appliances that can be

handled by an appliance operating system. An appliance operating system associated

with an appliance will support the appliance to function. Storing general operating system

in the hard drive will help execute the general operating system in a memory referring to

the hard drive for the general operating system. Storing an appliance operating system in

the read only memory will help keeping it separate from the general operating system.

Response to Arguments

Applicant's arguments for claims 1-6, 26-40, filed 4/2/04, paper number 6, have

been fully considered but they are not persuasive.

19.   Applicant argues (1) applicant's admitted prior art (AAPA) does not disclose

"appliance operating system to control the information handling device to operate an

appliance". The examiner disagrees in response to applicant's arguments. AAPA teaches

a well-known concept of an operating system use for implementing a wide variety of task

including television (appliance) tuning (page 1, lines 11 – 30). Therefore AAPA meets

the claim limitation of "appliance operating system to control the information handling

device to operate an appliance". It is noted that applicant intended that the appliance

operating system is dedicated to the appliance only (see amended claims 7 and 18),

however, the claims are not limited to this and therefore encompass any operating system

that can also support any appliance.

Applicant argues (2) neither Lee nor applicant's admitted prior art (AAPA)

disclose "appliance operating system to control the information handling device to

operate an appliance". The examiner disagrees in response to applicant's arguments.

AAPA teaches a well-known concept of an operating system use for implementing a wide variety of task including television (appliance) tuning (page 1, lines 11 – 30). Therefore, AAPA meets the claim limitation of "appliance operating system to control the information handling device to operate an appliance". It is noted that applicant intended that the appliance operating system is dedicated to the appliance only (see amended claims 7 and 18), however, the claims are not limited to this and therefore encompass any operating system that can also support any appliance.

Applicant argues (3) neither Endo nor applicant's admitted prior art (AAPA) disclose "appliance operating system to control the information handling device to operate an appliance". The examiner disagrees in response to applicant's arguments. AAPA teaches a well-known concept of an operating system use for implementing a wide variety of task including television (appliance) tuning (page 1, lines 11 – 30). Therefore, AAPA meets the claim limitation of "appliance operating system to control the information handling device to operate an appliance". It is noted that applicant intended that the appliance operating system is dedicated to the appliance only (see amended claims 7 and 18), however, the claims are not limited to this and therefore encompass any operating system that can also support any appliance.

Applicant argues (4) neither Solomon nor applicant's admitted prior art (AAPA) disclose "appliance operating system to control the information handling device to operate an appliance". The examiner disagrees in response to applicant's arguments. AAPA teaches a well-known concept of an operating system use for implementing a wide variety of task including television (appliance) tuning (page 1, lines 11 – 30). Therefore, AAPA meets the claim limitation of "appliance operating system to control

the information handling device to operate an appliance". It is noted that applicant

intended that the appliance operating system is dedicated to the appliance only (see

amended claims 7 and 18), however, the claims are not limited to this and therefore

encompass any operating system that can also support any appliance.

Response to Amendments

20. Applicant's arguments with respect to claims 7-25 have been considered but are

moot in view of the new ground(s) of rejection necessitated by Applicant's amendments

to the claims (i.e., dedicated appliance operating system).

Conclusion

21. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234.

The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from

10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or

proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Haresh Patel

June 18, 2004.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100